

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, October 9, 2010
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairperson Jennifer L. Martin
Vice Chair Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner Jack F. Husted
Commissioner John W. Harris

Director Larry D. Voyles
Deputy Director Bob Broscheid
Deputy Director Gary R. Hovatter
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals were legally noticed for this hearing.

Name	Docket #	Count	Conviction
Gary E. Sanders	2010-0064	Count 9:	Obtain W/L License (2007) by Fraud
		Count 10:	Obtain W/L License (2006) by fraud
Gary E. Sanders	2010-0084	Count B:	Possess Unlawfully Taken W/L
Mark D. Reed	2010-0072	Count B:	Possession of Unlawfully Taken W/L
		Count C:	Use Lion Tag of Another
James D. Reed	2010-0073	Count A:	Take W/L Without Permit/Tag
Michael A. Montiel	2010-0074	Count A:	Possession of Unlawfully Taken W/L
		Count B:	Discharge Firearm W/I ¼ Mile of Residence
Luis Herrera-Rodriguez	2010-0075	Count A:	Possess/Transport Unlawfully Taken W/L
Mark Duffer	2010-0076	Count B:	Modified to Possess Unlawfully Taken W/L
Roman Lorta	2010-0080	Count A:	Use Tag of Another
		Count E:	Possess Unlawfully Taken W/L

Germane Lorta	2010-0081	Count A:	Allow Another Use of Tag
Ramon O. Ruiz	2010-0059	Count A:	Obtain Resident License by Misrepresentation
Ramon O. Ruiz	2010-0060	Count C:	Possess Unlawfully Taken W/L

Roll call was taken and the following were present: Gary Sanders and James Reed.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Gary E. Sanders

Docket # 2010-0064

Sanders was found guilty by the Maricopa County Superior Court for: Count 9: Obtain Wildlife License (2007) by Fraud; and Count 10: Obtain Wildlife License (2006) by Fraud; and sentenced Counts 9 and 10: Restitution to AZGFD OGT Fund \$4,462.35.

Case Officer Myers was present and answered a Commission question about what the false reporting citation was for. Officer Myers stated that when he interviewed Mr. Sanders on the phone and asked him what kind of big game animals he harvested in Arizona, Mr. Sanders stated a pronghorn antelope only and a wild boar. Further investigation found that he also harvested a 2x2 mule deer.

Sanders was present and apologized to the Commission for his actions. Sanders stated that he did not understand the residency requirements. He is an avid outdoorsman and this was a mistake. Sanders has taken several steps to make amends for his actions, including taking the online Hunter Education course and assisting on some Department projects.

Commissioner Harris confirmed with Mr. Sanders that he also hunts and fishes in California and has a resident license there.

Motion: Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GARY E. SANDERS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO

COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chair Martin explained that she intended to vote nay because she sees someone here who has been making a good faith effort to make this right and is working on paying the difference between the cost of a resident and non-resident, as well as volunteering, so she is not inclined to vote for the maximum.

Commissioner Woodhouse stated that in most of these cases, a person cannot not know that they cannot be a resident of two states. More thought goes into this kind of case than in other cases where a person makes a snap decision while out in the field.

Commissioner Husted requested discussion before voting on what the Commission intended to do with the next case involving Mr. Sanders in which the take of big game associated with this will be addressed. He was not inclined to go the maximum on this case, let alone more.

The Commission discussed that on the next revocation, if the Commission revokes Mr. Sanders license again, it could run concurrently with this one.

Vote: Aye - Woodhouse, Freeman, Husted, Harris
Nay - Martin
Passed 4 to 1

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Gary E. Sanders
Docket # 2010-0084

Sanders was found guilty by the Fredonia Justice Court for: Count B: Possess Unlawfully Taken Wildlife (One mule deer buck and one pronghorn antelope); and sentenced Count B: Fined.

Case Officer Myers was present.

Sanders was present but did not address the Commission on this license revocation case.

Commissioner Harris stated that as previously discussed this revocation should run concurrent with the prior revocation. However, there is a substantial civil assessment on this one and it seems that Mr. Sanders has already paid a substantial amount into the AZGFD OGT Fund.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GARY E. SANDERS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS, TO RUN CONCURRENTLY WITH THE PREVIOUS REVOCATION; THAT

THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Woodhouse offered an amendment to add to the motion: "THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GARY E. SANDERS TO COLLECT THE AMOUNT OF \$1,500 FOR THE LOSS OF ONE (1) 2X2 MULE DEER AND \$1,500.00 FOR THE LOSS OF ONE (1) PRONGHORN ANTELOPE."

Commissioner Harris did not accept the amendment.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION AS STATED BY COMMISSIONER WOODHOUSE.

Vote: Aye - Woodhouse, Freeman
Nay - Martin, Husted, Harris
Failed 3 to 2

The Commission voted on the original motion as follows:

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GARY E. SANDERS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS, TO RUN CONCURRENTLY WITH THE PREVIOUS REVOCATION; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Martin, Husted, Harris
Nay - Woodhouse, Freeman
Passed 3 to 2

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Mark D. Reed

Docket # 2010-0072

Reed was found guilty by the Green Valley Justice Court for: Count B: Possess Unlawfully Taken Wildlife (mountain lion); and Count C: Use Lion Tag of Another; and sentenced Counts B and C: Fined \$230.00 and restitution of \$230.00 to the Wildlife Theft Prevention Fund.

Case Officer Frieberg was present.

Mr. Elms noted that Mr. Reed's Power Point presentation was provided to the Commission prior to this meeting for review. Mr. Reed made some updates to the presentation, however, the updates were not substantial.

Chair Martin confirmed that the Commission had received the presentation and stated that Mr. Reed need only to note the updates that are pertinent to this case.

Mark Reed was present and addressed the Commission stating that the lion attacked him and that the lion was shot in self-defense. Mr. Reed asked the Commission to help educate people in taking wildlife in self-defense. Mr. Reed also asked the Commission to have signs posted in high activity of mountain lions. He asked the Commission not to revoke his hunting license, that he was sorry for his actions, but it was a lion attack and he didn't expect he would be attacked by a lion again.

Chair Martin asked how someone else's tag was put on the lion.

Reed stated that his dad reluctantly gave him his tag so that the meat would not go to waste. He and his dad's intention were to take the lion to the Game and Fish Department to have it tested for rabies when they were stopped by the Game and Fish Department.

Commissioner Harris asked Officer Frieberg if Mr. Reed had initially mentioned that he was attacked by the mountain lion. Officer Frieberg stated that Mr. Reed did not initially mention that he was attack, but rather stated that his dad had shot the mountain lion.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARK D. REED TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MARK D. REED TO COLLECT THE SHARED AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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James D. Reed

Docket # 2010-0073

Reed was found guilty by the Green Valley Justice Court for: Count A: Knowingly Allow Another Use of Tag (mountain lion); and sentenced Count A: Fined \$230.00 restitution to the Wildlife Theft Prevention Fund.

Case Officer Frieberg was present.

Reed was present and addressed the Commission stating that there were witnesses who saw his son shoot the mountain lion in self-defense. Since he had put his tag on it, he lied to Officer Frieberg about shooting the mountain lion. He asked the Commission not to revoke his license.

Motion: Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES D. REED TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JAMES D. REED TO COLLECT THE SHARED AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Ramon O. Ruiz

Docket # 2010-0059

Ruiz was found guilty by the North Valley Justice Court for: Count A: Obtain Resident License by Fraud or Misrepresentation; and sentenced Count A: Fined \$250.00.

Ruiz was not present but was represented by his attorney, Greg Clark. Mr. Clark did not address the Commission.

Officer Chandler was not present.

Motion: Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAMON O. RUIZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Ramon O. Ruiz
Docket # 2010-0060

Ruiz was found guilty by the North Valley Justice Court for: Count C: Possess Unlawfully Taken Wildlife (elk); and sentenced Count C: Fined \$400.00.

Ruiz was not present but was represented by his attorney, Greg Clark. Mr. Clark did not address the Commission.

Officer Chandler was not present.

Motion: Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAMON O. RUIZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVELY TO THE PRIOR REVOCATION; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST RAMON O. RUIZ TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY BULL ELK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Michael A. Montiel
Docket # 2010-0074

Montiel was found guilty by the Bisbee Justice Court for: Count A: Possession of Unlawfully Taken Wildlife (mule deer); and Count B: Discharge Firearm within ¼ Mile of Occupied Residence; and sentenced Counts A and B: Fined \$904.00 with \$452.00 suspended per completion of plea agreement.

Montiel was not present.

Officer Fulk was not present.

Mr. Elms read a letter from Mr. Montiel for the record: "I would like to start out by stating I'm deeply sorry I cannot be there. It is my understanding that you want to take my rights away to hunt. I don't believe I deserve that at all. Let me explain please. Ever since I was able to attend my first hunter safety course, my dad took me back and I learned a lot of it, but not only that the values that my father showed me as well. It is true that I have a past felony that was over ten years old and was it was to my understanding that the first time conviction was that you are finished with your sentence that your rights are reinstated, but I didn't know that the only right that is not reestablished is the right to bear arms. I believe that I took all of the right steps to get my license and tag. If I would have know about it all, I would have tried to get my rights back. As soon as I found out about going through the courts, I did but it was too late. I know that sorry is not enough, but I am taking my further licenses away I will not be able to pass down the great adventures that the great outdoors has to offer my kids. Again, I'm deeply sorry. Thank you."

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL A. MONTIEL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MICHAEL A. MONTIEL TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) SPIKED MULE DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Luis A. Herrera-Rodriguez
Docket # 2010-0075

Herrera-Rodriguez was found guilty by the North Mesa Justice Court for: Count A: Possess/Transport Unlawfully Taken Wildlife (deer); and sentenced Count A: Fined \$580.00.

Herrera-Rodriguez was not present.

Motion: Freeman moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LUIS A. HERRERA-RODRIGUEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST LUIS A. HERRERA-RODRIGUEZ TO COLLECT THE SHARED AMOUNT OF \$3,000.00 FOR THE LOSS OF TWO (2) WHITE-TAILED DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mark D. Duffer

Docket # 2010-0076

Duffer was found guilty by the Yuma Justice Court for: Count B: Modified to Posses Unlawfully Taken Wildlife (dove); and sentenced Count A: Fined \$121.20.

Duffer was not present.

Motion: Woodhouse moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARK D. DUFFER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MARK D. DUFFER TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF TEN (10) DOVES; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Roman and Germane Lorta

Docket #'s 2010-0080 and 2010-0081

Mr. Elms provided the Commission with copies of documents for "Requests for Stay of Proceedings Pending Appeal" recently received from the attorney for Roman and Germane Lorta, the next two cases. The Commission reviewed the documents.

Chair Martin confirmed with Mr. Elms that if the Lorta's appeal is successful, then any action taken by the Commission today will become null and void.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO DENY ROMAN AND GERMAN LORTA'S REQUEST FOR POSTPONEMENT.

Vote: Unanimous

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Roman Lorta

Docket # 2010-0080

Lorta was found guilty by the Santa Cruz County Justice Court #2 for: Count A: Use Tag of Another; and Count E: Possess Unlawfully Taken Wildlife (deer); and sentenced Counts A and E: Sentencing on 9/15/2010.

Mr. Elms announced that the County Attorney in this case was present and thanked him for being here. Mr. Elms stated that the Department appreciates the work that he is doing and that he was present to see the case through the process.

Motion: Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROMAN LORTA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ROMAN LORTA TO COLLECT THE SHARED AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 4X4 MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Germane Lorta

Docket # 2010-0081

Lorta was found guilty by the Santa Cruz County Justice Court #2 for: Count A: Allow Another Use of Tag; and sentenced Count A: Sentencing on 9/15/2010.

Motion: Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GERMANE LORTA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GERMANE LORTA TO COLLECT THE SHARED AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 4X4 MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 3:34 p.m.

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